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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 RICHARD LEE TRIMMER,

14 Defendant.

Case No. 2:97-cr-00088-RFB

ORDER FOR CONDITIONAL
RELEASE

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16 On December 24, 1998, RICHARD LEE TRIMMER ("Mr. Trimmer") was ordered
17 committed to the custody of the Attorney General for hospitalization and treatment under 18
18 U.S.C. § 4243. Since that time, Mr. Trimmer has been granted conditional releases on several
19 occasions, which ultimately resulted in the revocations of his release.

20 On November 13, 2014, Mr. Trimmer was received for treatment at the Federal Medical
21 Center in Rochester, Minnesota. The Acting Warden of that facility certified by letter dated
22 October 25, 2017 that Mr. Trimmer no longer suffers from a mental disease or defect such that
23 his conditional release, under a prescribed regimen of medical, psychiatric, or psychological
24 care or treatment, would not create a substantial risk of bodily injury to another person or serious
25 damage to the property of another.
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1 The Court considered this matter in open court on September 20, 2017, and October 3,
2 2017 with Mr. Trimmer, case manager Elizabeth Meyer, Dr. Gabel, and Dr. Massessa attending
3 telephonically and with counsel for the government and the defendant. *See* ECF No. 159.

4 Based upon consideration of the record in this case including the testimony at the
5 various hearings and the advice of Mr. Trimmer's doctors, the Court now finds it appropriate
6 to order Mr. Trimmer's conditional release.

7 **IT IS THEREFORE ORDERED** that Mr. Trimmer is granted conditional release
8 under 18 U.S.C. § 4243(f) to Unlimited Possibilities when bed space is available and subject to
9 the following specified conditions:

10 1. Mr. Trimmer will reside at Unlimited Possibilities located at 1014 North 4th
11 Street, Las Vegas, Nevada 89101. Mr. Trimmer will not make any change in his residence
12 without the advance approval of the mental health providers and the Supervising U.S. Probation
13 Officer.

14 2. Mr. Trimmer will comply with all recommendations of treatment and will
15 comply with all mental health appointments at a mental health facility as approved by the U.S.
16 Probation Officer. Mr. Trimmer shall not change mental health providers without advance
17 approval of the U.S. Probation Officer.

18 3. Mr. Trimmer shall not knowingly leave the District of Nevada without the prior
19 approval of the U.S. Probation Officer.

20 4. Mr. Trimmer shall comply with psychiatric treatment as directed by the
21 treatment team and the U.S. Probation Office, to include oral and injectable psychotropic
22 medications.

23 5. While Mr. Trimmer is in outpatient counseling, he may be admitted to an
24 inpatient facility or placed in a crisis stabilization facility should his treating clinicians and the
25 U.S. Probation Officer deem it is necessary for his safety or the safety of the community.
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1 6. Mr. Trimmer is to abstain from all use of alcohol and other drugs not prescribed
2 by his treating physician. His treating physician shall notify the U.S. Probation Officer of any
3 changes in the administration of anti-psychotic drugs.

4 7. Mr. Trimmer is to submit to urine analysis and other drug testing for the
5 detection of use of controlled substances and to undergo regular urine and serum blood level
6 screening if ordered by the treating physician and U.S. Probation Officer to ensure abstinence
7 from substances and the maintenance of a therapeutic level of medication.

8 8. Mr. Trimmer shall participate in outpatient/inpatient substance abuse counseling
9 as directed by the U.S. Probation Officer, if deemed necessary after an evaluation.

10 9. Mr. Trimmer shall not possess any firearms, destructive device, or other
11 dangerous weapons, and shall submit to a random search of his person, property and residence
12 by the U.S. Probation Officer upon reasonable suspicion of a violation of this condition.

13 10. Mr. Trimmer shall not commit another federal, state, or local crime.

14 11. Mr. Trimmer is to report any contact with any law enforcement officer to the
15 U.S. Probation Office within 24 hours of the contact.

16 12. Mr. Trimmer will be supervised by the U.S. Probation Office for a specified
17 period imposed by the Court to ensure his compliance. Mr. Trimmer will comply with the
18 standard conditions of the U.S. Probation Office, District of Nevada, including waiving his right
19 to confidentiality regarding his mental health treatment in order to allow sharing of information
20 with the Supervising Probation Officer who will assist in evaluating the ongoing
21 appropriateness of community placement.

22 13. The medical provider may at any time recommend modification or elimination
23 of the regimen of medical, psychiatric, or psychological care or treatment, upon certification to
24 this Court that to do so would not create a substantial risk of bodily injury to another person or
25 serious damage to the property of another. Any party requesting modification or termination
26 of the Conditions of Release shall submit adequate documentation supporting the request
through the Supervisory U.S. Probation Officer, to the Criminal Division of the U.S. Attorney's

1 Office for the District of Nevada, for a determination as to whether a motion for release should
2 be filed.

3 14. Mr. Trimmer must submit his person, property, house, residence, vehicle,
4 papers, computers (as defined in 18 U.S.C. § 1030(e)(1), other electronic communications or
5 data storage devices or media, or office, to a search conducted by a United States Probation
6 Officer. Failure to submit to a search may be grounds for revocation of release. Mr. Trimmer
7 must warn any other occupants that the premises may be subject to searches pursuant to this
8 condition.

9 The probation officer may conduct a search under this condition only when reasonable
10 suspicion exists that you have violated a condition of supervision and that the areas to be
11 searched contain evidence of this violation. Any search must be conducted at a reasonable time
12 and in a reasonable manner.

13 15. Mr. Trimmer's failure to adhere to any of these conditions may result in him
14 being located, taken into custody, and subsequently reviewed by the federal court of jurisdiction
15 for suitability for continued release to the community.

16 **IT IS FURTHER ORDERED** that the United States Probation Office make available
17 Second Chance Act funds for Mr. Trimmer's rent payment for the first month of his residence
18 at Unlimited Possibilities and for his transportation to mental health appointments. The United
19 States Probation Office shall make the Second Chance Act funds discussed above available
20 within 45 days of Mr. Trimmer's conditional release.

21 DATED this 14th day of November, 2017.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE